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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KARSTEN MANUFACTURING CORPORATION
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EXAMINER

HUNTER, ALVIN A

ART UNIT PAPER NUMBER

3711

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,837

Applicant(s)

SCHWEIGERT, BRADLEY D.

Examiner

Alvin A. Hunter

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al. (USPN 6899638).

Regarding claims 11-13, Iwata et al. discloses a golf club head comprising a faceplate having a contoured rear surface wherein the contoured rear surface includes a central thickened region having a non-circular, elliptical outer edge surrounded by a transition region tapering from the central thickened region toward a thinner peripheral region wherein the transition region also has an elliptical outer edge (See Column 14, lines 3 through 55 and Table 7 and Figure 8). Based on Table 7, the faceplate inherently has a outer edge of the central thickened region having an aspect ratio that is greater than the aspect ratio of the elliptical outer edge of the transition region being that the major and minor axes of the central thickened region are 10mm and 5mm respectively, and the major and minor axes of the transition region (tapered region) are 15mm and 10mm respectively (wherein the distance of the central thickened region is factored in). Based on the above the aspect ratio of the central thickened region is 2 and the aspect ratio of the transition region is 1.5. Iwata et al. discloses the elliptical outer edge of the central thickened region having a first major axis and a first minor axis

Art Unit: 3711

and the elliptical outer edge of the transition region has a second major axis and a second minor axis wherein the second major axis being equal to the first major axis plus a predetermined distance and the second minor axis being equal to the first minor axis plus a predetermined distance (See Column 14, lines 3 through 55). Iwata et al. does not disclose the dimensions as set forth by the applicant. One having ordinary skill in the art would have found the lengths of the minor and major axes of the central thickened region and the transition region to be an obvious matter of design choice. Iwata et al. is geared to reducing off-center shots. Furthermore, Iwata et al. designs the face based on the areas on a club head wherein a golf ball is most struck. The dimensions are only geared to how the club head is manufactured in which no unexpected result are derived therefrom. It is submitted that the club head of Iwata et al. would perform equally as that of the applicant and would produce the same performance.

Regarding claim 14, Iwata et al. discloses the club head further comprising a shell having an opening and the faceplate being attached to the opening in the shell to form a hollow body (See Figures 95-97).

Response to Arguments

Applicant's arguments filed 6/29/06 have been fully considered but they are not persuasive. Applicant argues that the Iwata does not teach the second major and minor axes being a predetermined distance plus the distance of the central major and minor axes. The examiner disagrees. Table 7 as noted by the applicant in the arguments filed 6/29/06 discloses the central region having a major axis up to 10mm and a minor

Art Unit: 3711

axis up to 5mm. The second region has a major axis of up to 15mm and a minor axis of up to 10mm, in other words the position of the second region is the distance of the major and minor axes plus a predetermined distance of 5mm. The applicant is viewing the Iwata et al. reference narrowly. The taper region also forms an elliptical region around the central portion. Elliptical region 17 is the region where the taper stops. Based on this the claims are met by Iwata et al. Also in regarding to the economical aspect of the invention. The background of the invention of the instant application clearly set forth that the issue to be solved is a manufacturing issue and even notes that elliptical region can be made using an end mill. The fact that the elliptical regions are difficult to make does not mean that one skilled in the art would deter from using such method (See In re Farrenkopf 291 USPQ 1). The applicant has shown any evidence as to why one skilled in the art would be deterred from using the end mill to create elliptical regions.

Based on these reasons, the above rejection has been furnished.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It should also be noted that Jacobson et al. USPN 6602149 does show the elliptical region being about the same distance apart from the next but just does not explicitly recite such. Because of no explicit recitation, the examiner has not applied Jacobson et al.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3711

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim, can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/803,837

Page 6

Art Unit: 3711

AAH

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Eugene Kim

**EUGENE KIM
SUPERVISORY PATENT EXAMINER**